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**UNITED STATES PRETRIAL SERVICES AGENCY**  
**Eastern District of New York**

**MEMORANDUM**

**DATE:** January 19, 2006

**TO:** Honorable Frederic Block  
United States District Judge

**RE:** Vincent Robertson (05CR433)  
Request for modification of conditions of release

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Reference is made to the above-captioned defendant, who is awaiting sentencing before Your Honor pursuant to a guilty plea entered on December 23, 2005, to Possession of Child Pornography, in violation of 18 U.S.C. 2252. The defendant made an initial appearance on June 8, 2005, pursuant to an indictment charging the offense he subsequently pled guilty to. He was released on that date on a \$25,000 cosigned bond with the following conditions imposed: travel restricted to New York and New Jersey; surrender passport/must not apply; random home visits by Pretrial Services; weekly telephone reporting to Pretrial Services; mental health evaluation and/or treatment as directed by Pretrial Services; and no Internet access. On August 25, 2005, Your Honor ordered that the defendant surrender any and all Internet access card(s) in his possession to case agents of the Immigration and Customs Enforcement. The purpose of this memorandum is to inform Your Honor of images found by Pretrial Services on the defendant's computer.

On January 17, 2006, Pretrial Services conducted an announced home visit, at which time the defendant permitted an examination of his computer. During this examination, five questionable images were found. Three of the images were of boys that appeared to be approximately 12 years of age. The first image consisted of a shirtless boy wearing suspenders; the boy was looking straight ahead (as if into the camera) and appeared to be in the process of removing the suspenders from his shoulder. The second two images consisted of a shirtless boy looking straight ahead (as if into the camera) while apparently in the process of pulling down his pants; his underwear was visible. The other two images were of boys that appeared to be in their mid-teens; the defendant stressed that these two individuals were not minors.

The defendant became extremely nervous and agitated when confronted about these images. He was instructed to report to Pretrial Services on January 18, 2006, to discuss the matter further. The defendant reported as directed, at which time he stated that the images were given to him on a CD-ROM by a friend, which he then saved onto his computer. He indicated that he does not know where the images were obtained from. The undersigned officer explained to the defendant that, while the images found are not pornographic, they are extremely inappropriate given his conviction. He was informed that an informational memorandum would be submitted to Your Honor.

Assistant United States Attorney Nicole Boeckmann and case agent Robert Raab of the Immigration and Customs Enforcement have been notified of the images found on the defendant's computer. Given that the images are not pornographic and that there is no concrete evidence that the defendant is in possession of any pornographic images, the government will not be taking action at this time with respect to this matter.

Pretrial Services is submitting this memorandum for informational purposes. While the images found on the defendant's computer are not pornographic, they are disturbing given the defendant's conviction. Additionally, the search conducted on the defendant's computer was cursory given that, as indicated in a previous memorandum to Your Honor, Pretrial Services does not have software capable of monitoring Macintosh computers. Therefore, while the images found on the defendant's computer do not necessarily point to a violation of his release conditions, the possibility that there may be more images in the computer that are pornographic in nature does exist. In light of this, Pretrial Services is recommending that the defendant be ordered to surrender his computer to a family member or to another individual until his case is disposed of, and that he also be ordered to limit his computer use to work related activities. An order has been prepared and attached to this memorandum, should Your Honor wish its endorsement.

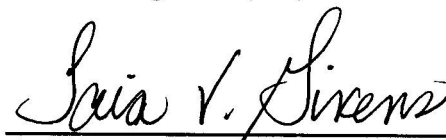
Should Your Honor have any questions or concerns, please contact the undersigned at (718) 613-2348.

Prepared by:

  
Melissa A. Roman

U.S. Pretrial Services Officer

Approved by:

  
Taia V. Givens

Supervising Pretrial Services Officer

Attachment

CC: Nicole Boeckmann, Esq. (Assistant U.S. Attorney)  
Howard Schwartz, Esq. (defense counsel)

IT IS THE ORDER OF THE COURT THAT:

☒ The defendant's conditions of release be modified to include the following conditions:

~That the defendant surrender his computer to a family member or to another individual until his case is disposed of; and

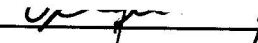
~That the defendant limit his computer use to work related activities.

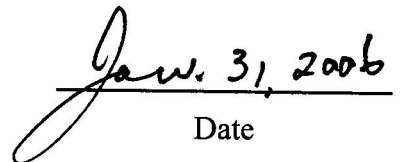
☐ No action with regard to the defendant's condition of release is to take place at this time.

☐ Other:

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SO ORDERED,

  
\_\_\_\_\_  
Honorable Frederic Block  
U.S. District Judge

  
\_\_\_\_\_  
Date

cc: Nicole Boeckmann, Esq. (Assistant U.S. Attorney)  
Howard Schwartz, Esq. (defense counsel)